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Paper No. 20070322

Applicant: Neumann et al.

Appl No.: 10/049,867

Filed: July 2, 2002

**DECISION DISMISSING
PETITION UNDER
37 CFR 1.324**

This decision is in response to the petition filed January 27, 2005 in the above-identified application. Petitioner requests that inventorship be corrected in accordance with 37 C.F.R. 1.48(a). Because the subject application issued as U.S. Patent No. 6,853,943 on January 19, 2005, prior to the filing of the instant petition, it is being treated as a petition under 37 CFR 1.324.

Specifically, the petition requests that Heinz Peter Zeiträger and Till Immanuel Patzschke be added as co-inventors.

The petition is DISMISSED.

A grantable petition under 37 C.F.R. 1.324 to add a co-inventor requires the following submissions: (1) a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on their part; (2) a statement from all current inventors, either agreeing to the change of inventorship, or stating that they have no disagreement with regard to the requested change; (3) a statement from the assignee(s) of the patent agreeing to the change of inventorship in the patent, accompanied by a proper statement under 37 CFR 3.73(b) establishing ownership, unless a proper 37 CFR 3.73(b) statement is already in the file; and (4) the fee set forth in 37 CFR 1.20(b).

The petition filed January 27, 2005 does not contain item (2), a statement from the current inventors either agreeing to the requested change, or stating no disagreement with the change.

It is further noted that while the petition papers as a whole make it clear that Till Immanuel Patzschke is intended to be added as an inventor, the particular paper titled "Petition For Correction of Inventorship" does not specifically request Mr. Patzschke's addition.

In the absence of the above-required statement from the current inventors, the petition must be dismissed.



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